

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 130042

66

ORIGIN L-03

INFO OCT-01 IO-13 ADP-00 EB-11 COME-00 EPA-04 CEQ-02 SCI-06

SCEM-02 INT-08 CIAE-00 INR-10 NSAE-00 RSC-01 RSR-01

/062 R

DRAFTED BY L/OA:HDCAMITTA

7/2/73 EX27969

APPROVED BY L/OA - HDCAMITTA

L/EUR - MR. RUSSELL (SUBS)

EUR - MR. SMITH (INFO)

----- 111141

P 030138Z JUL 73

FM SECSTATE WASHDC

TO USMISSION GENEVA PRIORITY

LIMITED OFFICIAL USE STATE 130042

E.O. 11652: N/A/

TAGS: PBOR, SENV, ENRG, US, CAN

SUBJECT: LOS - EASTPORT REFINERY

FOR LEITZELL ON US SEABED DELEGATION

1. MEETING WAS HELD IN DEPARTMENT WITH PITTSTON COMPANY LAWYERS. TOMORROW JUDGE WILL BE HEARING MANDAMUS REQUEST THAT MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION (MDEP) CONTINUE CONSIDERATION OF COMPANY APPLICATION TO BUILD REFINERY IN EASTPORT. MDEP HAS ARGUED THAT APPLICATION IS MOOT BECAUSE OF CANADIAN "PROHIBITION" CONTAINED IN NOTE. TO HELP US BUSINESS AND IN VIEW OF MDEP LETTER TO DEPARTMENT, WE BELIEVE A RESPONSE TO MDEP QUESTIONS WARRANTED.

2. QUESTION ONE OF MDEP READS: "UNDER INTERNATIONAL LAW AND EXISTING TREATY OBLIGATIONS, MAY CANADA PROHIBIT THE PASSAGE OF SUPERTANKERS OR VERY LARGE CRUDE CARRIERS THROUGH HEAD HARBOR PASSAGE, NEW BRUNSWICK, CANADA EN ROUTE TO LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 130042

EASTPORT, MAINE?" OUR PROPOSED RESPONSE WOULD BE: "UNDER

INTERNATIONAL LAW, CANADA MAY NOT ARBITRARILY PROHIBIT THE
PASSAGE OF VERY LARGE CRUDE CARRIERS THROUGH HEAD HARBOR
PASSAGE TO EASTPORT, MAINE."

3. PITTSTON LAWYERS BELIEVE THE PROPOSED ANSWER IS ADEQUATE
FOR PRESENT PURPOSES. IT PROTECTS US OPTIONS OF CLAIMING

PASSAGE RIGHTS UNDER 1817 DECLARATION OF COMMISSIONERS OR
STATUS OF WATERS AS INTERNATIONAL STRAIT, OR BOTH. IT DOES
NOT RAISE ISSUE OF STATUS OF CANADIAN WATERS OR CANADIAN
POLLUTION PROTECTION RIGHTS VERSUS PASSAGE RIGHTS. AS A
RESULT, IT SHOULD NOT ENCOURAGE CANADIANS TO JOIN ISSUE.
WE ALSO DO NOT BELIEVE THE PROPOSED RESPONSE RAISES PAR-
TICULAR DIFFICULTIES FOR LOS NEGOTIATIONS.

4. WOULD APPRECAITE YOUR COMMENTS ON PROPOSED ANSWER BY
OOB, JULY 3, BY TELEPHONE. RUSH

LIMITED OFFICIAL USE

NNNNMAFVVZCZ

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 03 JUL 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: worrelsw
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE130042
Document Source: CORE
Document Unique ID: 00
Drafter: HDCAMITTA
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730756/aaaabpbpg.tel
Line Count: 80
Locator: TEXT ON-LINE
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: worrelsw
Review Comment: n/a
Review Content Flags:
Review Date: 28 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <28-Sep-2001 by elyme>; APPROVED <27 FEB 2002 by worrelsw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS - EASTPORT REFINERY FOR LEITZELL ON US SEABED DELEGATION
TAGS: PBOR, SENV, ENRG, US, CA
To: GENEVA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005